RESOLUTION NO. 2006-29

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING THE MITIGATED NEGATIVE DECLARATION AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE MILLER RANCH DEVELOPMENT PROJECT

WHEREAS, an Initial Study/Mitigated Negative Declaration (File No. ND-05-01) was prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided hereunder. The Community Development Department has determined that all environmental impacts that result from this project can be mitigated to a less than significant level; and

WHEREAS, all the required referrals, notice, and posting have been performed for the required time per the Act and Guidelines referred to above; and

WHEREAS, a Mitigation Monitoring and Reporting Program was prepared in accordance with CEQA and will be adopted as part of the Mitigated Negative Declaration package to assure that all potentially significant impacts will be mitigated; and

WHEREAS, all mitigations necessary to reduce any impact from the project to a less than significant level have been agreed to by the project proponent and incorporated into the proposal; and

WHEREAS, staff recommends that the City Council approve the filing of a Mitigated Negative Declaration by the Community Development Director as adequate environmental documentation for the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council has reviewed all documentation and hereby adopts the Mitigated Negative Declaration as adequate environmental documentation for the Miller Ranch Development Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby adopts the Mitigated Monitoring and Reporting Program included as Exhibit A.

Dated: February 15, 2006

I hereby certify that Resolution No. 2006-29 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

SUSAN J. BLACKSTON
City Clerk

EXHIBIT A

Miller Ranch Development Project

DRAFT

MITIGATED NEGATIVE DECLARATION NO. 05-01

Growth Management Allocations and Planned Development Zone Change (GM-05-003 and 2-05-02)

(New **Zone file** # 2-05-04)

APPLICANT: Jeffrey Kirst, Tokay Development

PREPARED FOR
City of Lodi
Community Development Department
P.O. BOX 3006
LODI, CA 95241

PREPARED BY:
LSA Associates, Inc
2215 Fifth Street
Berkeley, CA 94710
(510) 540-7331
www.lsa-assoc.com

December 2005

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Environmental Checklist Form
Prepared Pursuant to the California Environmental Quality Act (CEQA)

A. PROJECT DESCRIPTION

1. Project title: Miller Ranch Development Project

2. Lead agency name and address:
City of Lodi, Community Development Department
Box 3006, Lodi, CA 95241

3. Contact person and phone number:
Randy Hatch
Community Development Director
(209) 333-6711

4. Project location:
349, 401 and 415 East Harney Lane
City of Lodi, San Joaquin County

5. Project sponsor's name and address:
Jeffrey Kirst, Tokay Development
PO **Box** 1259
Lodi. CA 95258

6. General Plan Land Use designation: MDR, Medium Density Residential.

7. Zoning designation: R-MD, Residential Medium Density.

8. Other public agencies whose approval is required: None.

9. Description of project: The following provides a description of the Miller Ranch Development Project.

Existing Conditions

The project area is comprised of three parcels on the north side of Harney Lane, west of Panzani Way and east of Melby Lane. The project sites are located in the City of Lodi and are identified as 349 Harney Lane (APN 062-290-38), 401 East Harney Lane (APN 062-290-37) and 415 East Hamey Lane (APN 062-290-14). A project vicinity map is provided as Figure 1 and photos of the project site are provided in Figure 2.

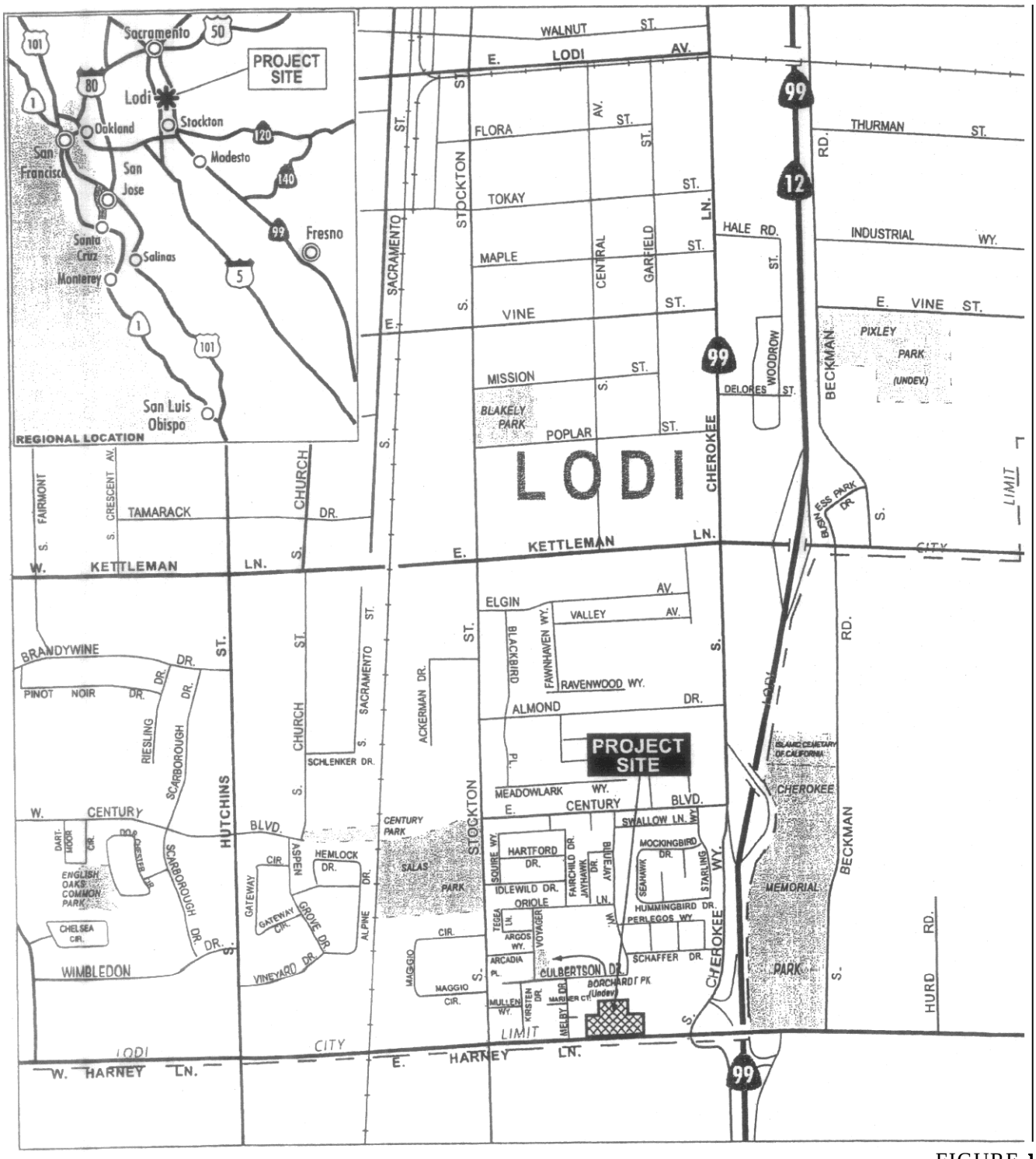

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FIGURE 1

Miller Ranch *Development Plan*
Project Location and Regional Vicinity

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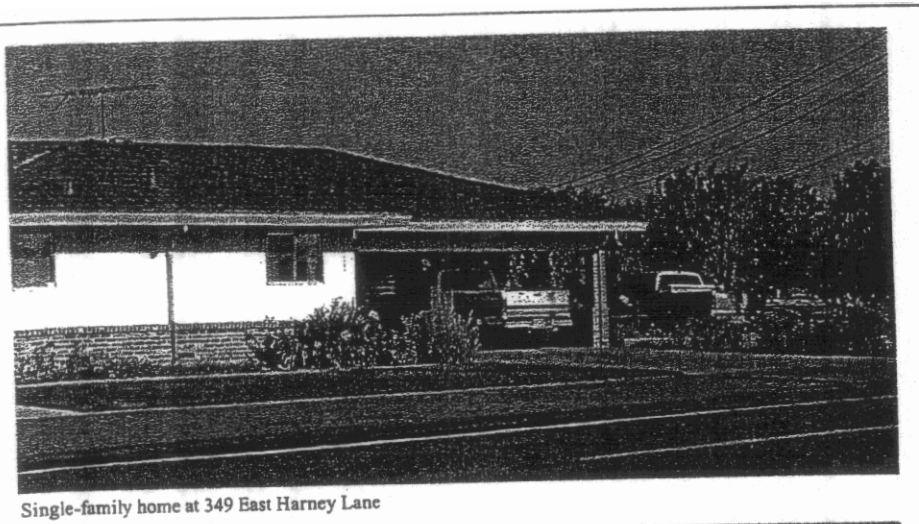
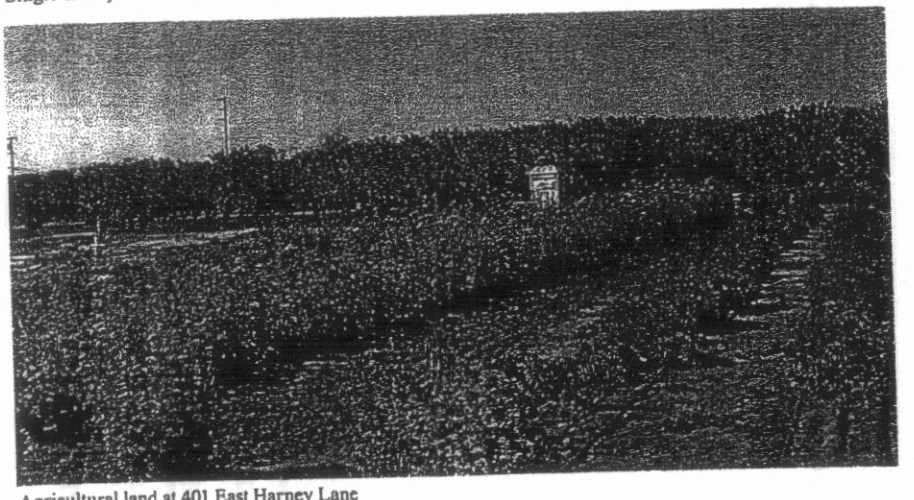
0 1000 2000
FEET

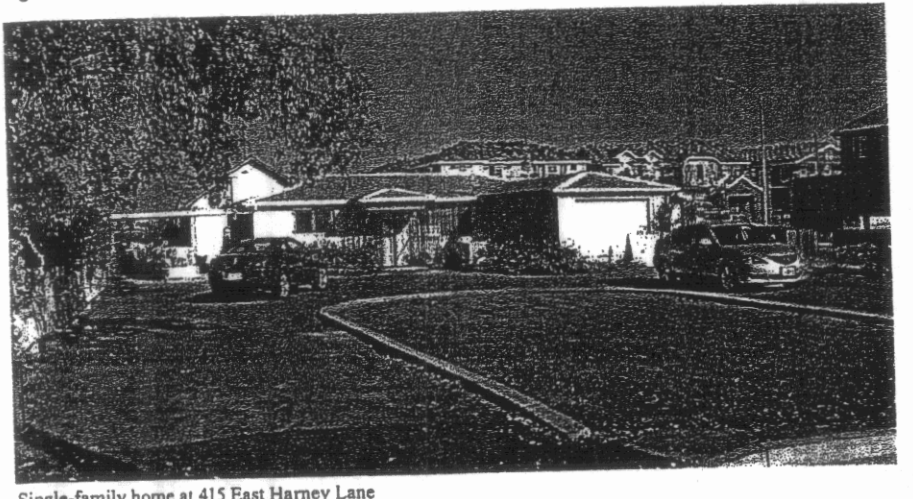
SOURCE: CSAA, 2005; LSA ASSOCIATES, INC., 2005
I:\LOD530 miller ranch\figures\Fig_1.ai (11/22/05)



Single-family home at 349 East Harney Lane



Agricultural land at 401 East Harney Lane



Single-family home at 415 East Harney Lane

FIGURE

LSA

Miller Ranch Development Plan
Photos of the Project Site

SOURCE: LSA ASSOCIATES, INC., 2005.

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349 East Harney Lane

This parcel is approximately 0.68 acres and is developed with a single-family residence and a detached workshop/storage building. The home is single-story and faces Harney Lane. The home is currently inhabited by the property owners that farm the property at 401 East Harney Lane (also part of this project). The detached workshop/storage building is located behind the home and is not entirely visible to Hamey Lane. The workshop is used for the farming operations including storage of farming equipment.

Vehicular access to the site is provided by two driveways off of Harney Lane: one driveway leads to the garage and the other leads to the rear of the home and workshop. There is no sidewalk on Harney Lane. The home is setback approximately 25 feet from Harney Lane and the entire front yard is landscaped with the exception of a driveway and walkway. There is a septic tank on site to service the residence and there are mature trees and shrubs along the north and east properly lines.

401 East Harney Lane

This parcel is approximately 6.57 acres and there are no permanent structures on-site. The site is used for commercial agriculture, growing cherries and flowers. The cherry trees are located in rows along the western side of the property, while the flowers occupy the central and eastern portions of the site. There are also miscellaneous temporary structures on-site, including a portable restroom, and storage of miscellaneous farming materials, including wood pallets, in the northeast and northwest portions of the site.

Access to the site is provided by a dirt access road off of Harney Lane and there are no designated parking spaces on site.

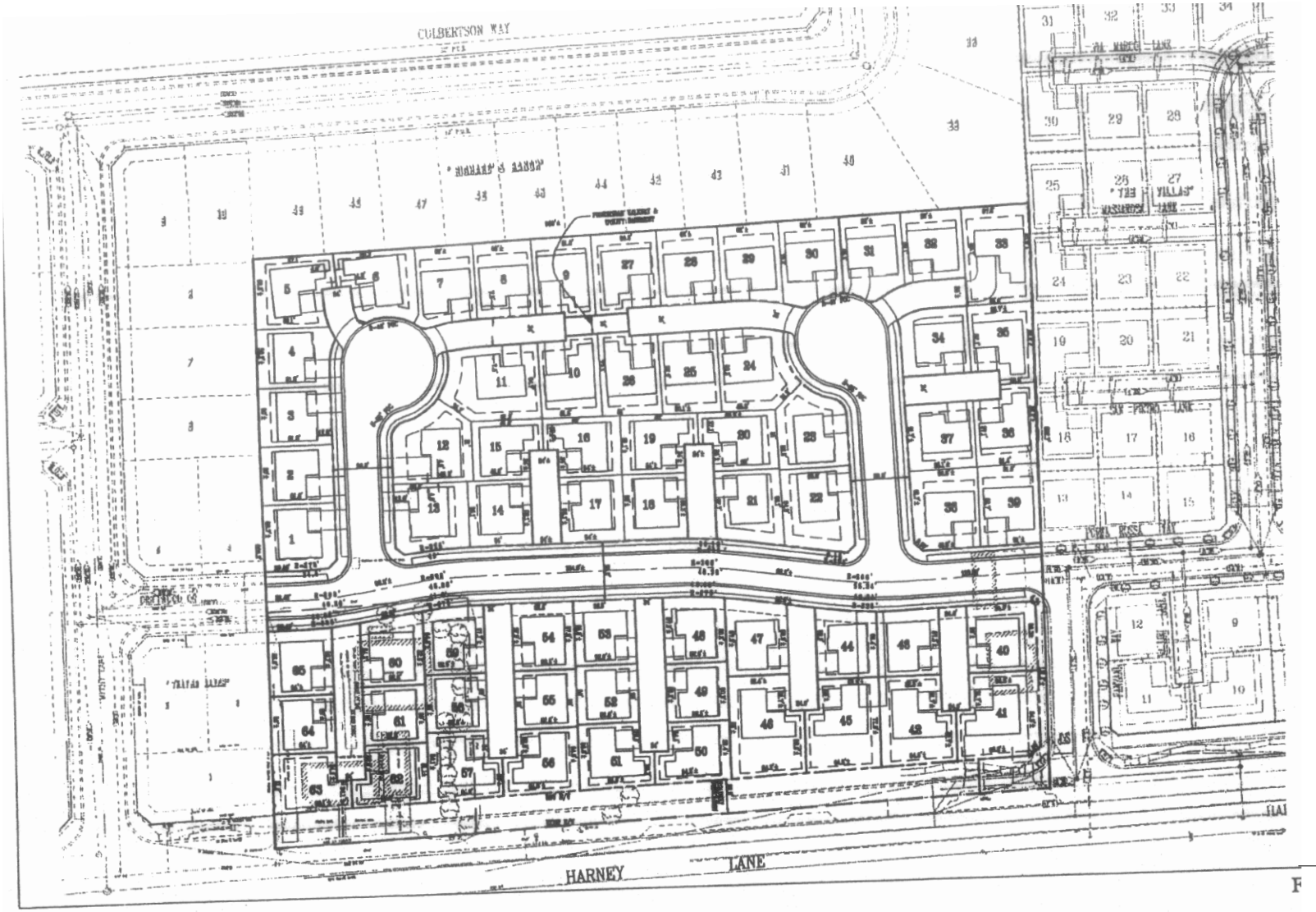
415 East Harney Lane

This parcel is approximately 0.67 acres and is developed with a single-family home and a workshop (the home is currently utilized as a construction office for the residential development occurring immediately east of the project site). Both structures are located along the east property line. The home is single-story and is setback approximately 30 feet from Harney Lane. The workshop is located behind the home and is utilized as storage area. Access to the site is provided by two driveways on Harney Lane.

Proposed Project

The proposed project includes the demolition of all existing structures on the project site and the construction of 65 single-family units. A conceptual site plan of the proposed project is shown in Figure 3. The General Plan designates the project site for Medium Density Residential land uses (MDR) at a density of 7.1 to 20 dwelling units per gross acre. At 8.2 dwelling units per gross acres, the proposed project would be consistent with the General Plan.

To implement the proposed project, the project applicant has submitted applications for a Zone Change (from Residential, Multiple-Family to a Planned Development Zone) and Growth Management Allocations. The project applicant proposes the construction of 65 single-family detached homes on the project site. The units would be built and sold as individual homes on separate lots.



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NOT TO SCALE

SOURCE: BAUMBACH & PIAZZA, INC., 2005

opment Plan

Site Plan

This project does not include any affordable housing units. All of units would be sold at market-rate value.

The applicant has indicated that product types would match the planned development project currently under construction to the east of the project site, The Villas. The Villas include three floor plans varying in size from 1,700 square feet to 1,800 square feet. All units are two-story structures, include a two-car garage, have 3 to 4 bedrooms, and 2% bathrooms.

Access to the site would be provided by an existing intersection at Panzani Way and Harney Lane and the extension of Driftwood Drive (a residential street to the west). Internal circulation would be provided by one main east/west roadway in the project that would connect with two existing roads, Ponta Rosa to the east and Driftwood Drive to the west. There are also two cul-de-sac streets that would provide north/south access within the site. Most of units would be accessed from 24-foot public lanes.

The project includes a 20-foot dedication for right-of-way improvements on Harney Lane. Improvements include expansion of road way and a bicycle and pedestrian path.

All of the homes would include a two-car garage. Guest parking would be provided in individual driveways, on the main roadway and two cul-de-sacs. No parking would be allowed in the 24-foot wide public lanes. Approximately 35 on-street parking spaces would be provided.

The proposed project would include private yard for each of the units and a minimum landscaped setback of 12 feet in the front yard (front yard setback is reduced to 7.5 feet for homes on public lanes). Rear yards proposed with this project range from 560 to 2,240 square feet. There is no common landscape or play area proposed.

Surrounding Land Uses and Setting

Single-family residential units are located immediately north, east and west of the project site (homes to the east are currently under construction). One single-family home and agriculture lands are located to the south, across Hamey Lane. Property to the north and west is zoned R-2 (Residential, Single-Family) and the property to the east is zoned PD (Planned Development). The property south of Harney Lane is located in the County. San Joaquin County designates these parcels as AG-40 (General Agriculture, 40 acre minimum lot size). A project vicinity map is provided in Figure 1.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

a Land Use and Planning	Transportation/Circulation	Utilities and Service Systems
a Population and Housing	Biological Resources	Aesthetics
Geology and Soils	Mineral Resources	Cultural Resources
Hydrology and Water Quality	Hazards	Recreation
Air Quality	Noise	Mandatory Findings of Significance
Agricultural Resources	Public Services	

C. LEAD AGENCY DETERMINATION

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions ion the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a " potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially *significant effects* (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: 12/23/05

Printed Name: Randy Hatch, Community Development Director For: City of Lodi

D. ENVIRONMENTAL IMPACT CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
I. LAND USE AND PLANNING. *Would the project:*				
a) Physically divide an established community?	☐	☐	☐	☐
b) Conflict with any applicable land use plan. policy or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan. specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☑	☐
c) Conflict with any applicable habitat or conservation plan?	☐	☐	☑	☐
II. POPULATION AND HOUSING. Would *the project:*				
a) Cumulatively exceed official regional or local population projections?	☐	☐	☑	☐
b) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?	☐	☐	☑	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐
III. GEOLOGY AND SOILS. Would *the project:*				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss. injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☑	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☑	☐
iv) Landslides?	☐	☐	☑	☐
b) Result in substantial soil erosion or the loss of top soil?	☐	☐	☐	☐
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☑	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risk to life or property?	☐	☐	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water.	☐	☐	☐	☑

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IV. HYDROLOGY AND WATER QUALITY. *Would the project:*				
a) Violate any water standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on or off site?	☐	☑	☐	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	☐	☐	☑	☐
e) Create or contribute to run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☑	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☑
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☑
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as n result of the failure of a levee or a dam?	☐	☐	☐	☑
j) Inundation by sieche, tsunami, or mudflow?	☐	☐	☐	☒
V. AIR QUALITY. *Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☑	☐
b) Violate air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	81	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VI. TRANSPORTATION/CIRCULATION. *Would the project:*				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☑	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?	☐	5	☐	☐
c) Result in a change in air traffic patterns. including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☑	☐
e) Result in inadequate emergency access?	☐	☐	5	☐
f) Result in inadequate parking capacity?	☐	☐	☑	☐
g) Conffict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	5	☐
VII. BIOLOGICAL RESOURCES. *Would the project:*				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate. sensitive, or special species status in local or regional plans, policies or regulations, or by the California Department of Fish and Game or US. Fish and Wildlife Service?	☐	☑	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identifies in local or regional plans, policies regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
c) Haves substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption. or other means?	☐	☐	☐	☑
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	El
e) Conffict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	5
f) Conffict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	5

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VIII. MINERAL RESOURCES. *Would the project:*				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☑
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	81
IX. HAZARDS. *Would the project:*				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	81	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☑	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	☐	☐	☑	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a Significant hazard to the public or the environment?	☐	☐	☐	81
e) For a project located within an airport land use plan or where such a plan has not been adopted, within 2 miles of n public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	81	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☑
X. NOISE. *Would the project result* in:				
a) Exposure of persons to or generation of noise levels in excess of standard established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	a	☐	☐
b) Exposure of persons to or generation of excessive ground borne vibration or ground bourne noise levels.	☐	☐	81	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☑	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.	☐	☐	☐	☑
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
XI. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☑	☐	☐
ii) Police protection?	☐	☑	☐	☐
iii) Schools?	☐	☑	☐	☐
iv) Parks?	☐	☑	☐	☐
v) *Other* public facilities?	☐	☐	*81*	☐
XII. UTILITIES AND SERVICE SYSTEMS. *Would the project:*				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☑
b) Require or result in the construction of new water or Wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	☐	☐	☐	☑
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities. the construction of which would cause significant environmental effects?	☐	☐	☑	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	*81*	☐
e) Result in a determination by the wastewater treatment provider which serves or may Serve the project that it has adequate capacity to Serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☑	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☑	☐
g) Comply with federal, State and local statutes and regulations related to solid waste?	☐	☐	☑	☐
XIII. AESTHETICS. *Would the* project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☑

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less thin Significant Impact	No Impart
b) Substantially damage a scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.	☐	☐	☐	O
c) Substantially degrade the existing visual character or qualify of the site and its surroundings?	☐	81	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☑	☐	☐
XIV. CULTURAL RESOURCES. ***Would the proposal:***				
a) Create a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.57	☐	☐	☐	☑
b) Cause a substantial advene change in the significance of an archaeological resource punuant to CEQA Section 15064.5?	☐	☑	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☑	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☑	☐	☐
XV. RECREATION. ***Would the project:***				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☑	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an advene physical effect on the environment?	☐	☐	☑	☐
XVI. AGRICULTURAL RESOURCES. ***In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would ihe project:***				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared punuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	☐	☐	☐	81
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	81
c) Involve other changes in the existing environment which, due to their location or nature. could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☑

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the enviionment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☐	☐	☑	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	☐	☐	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☑	☐

E. EVALUATION OF ENVIRONMENTAL EFFECTS

An evaluation of each environmental impact topic is provided below.

I. LAND USE AND PLANNING

Summary of Land Use and Planning Impacts and Mitieation Measures

The Lodi General Plan includes goals and policies for development and urbanization within the City limits and the City's Sphere of Influence. The Sphere of Influence (also referred to as the planning area) includes unincorporated areas adjacent to the City, to which the City intends to expand and urbanize. The General Plan designates properties within the SOI for future land uses, once incorporated in the City. [1]

The General Plan establishes a land use pattern for development of the City and the City's Sphere of Influence. Though a portion of the project site is currently agricultural land (cherry orchard and flower gardens) the General Plan indicates that the project site and surrounding area (including property south of the Harney Lane, which is within the Sphere of Influence) are planned for urbanization and development. More specifically, the General Plan land use element designates the subject site and surrounding areas for residential development.

The General Plan Land Use Map designates the project area as MDR (Medium Density Residential Land Uses, 7.1-20 dwelling units per gross acre). Properties to the north, east and west are also designated for Medium Density land uses, and have been developed as such. The Medium Density Residential land use designation is intended for development of single-family and multiple-family units. Product types within the MDR designation include both attached and detached units.

Properties to the south, across Harney Lane, are located in the County; however rhese properties are within the City's Sphere of Influence (SOl). The General Plan designates the properties across Harney Lane as PR (Planned Residential, seven dwelling units per gross acre).

a) ***Would the project physically divide an established community?***

The physical division of an established community typically refers to the construction of a physical feature that would impair mobility within an existing community, or between a community and outlying areas. The proposed project would include residential uses that would be surrounded by other existing residential uses. The proposed project would not physically divide an established community.

b) ***Would the proposal conflict wifhany applicable land use plan, policy ar regulation of any agency wifh jurisdiction over the project (including, but not limited to fhegeneral plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding environmenfaleffects?***

The purpose of this Initial Study is to evaluate the proposed project in compliance with CEQA and the City's applicable environmental plans and policies. The City evaluates development projects against plans and policies of the City's General Plan, Municipal Code and San Joaquin County's Multi-Specie Habitat Conservation and Open Space Plan. [2]

[1] Lodi. City of, 1991. General Plan. June.

[2] San Joaquin County, 2001. San Joaquin's Multi-Species and Habitat Consrvation and Open Space Plan.

The proposed project would develop a total 65 single-family detached dwelling units at an overall density of 8.2 dwelling units per gross acre (65 units/7.92 acres). The current General land use designation of Medium Density Residential permits development of attached or detached units between 7.1-20:0 dwelling units per gross acre. The proposed project complies with the product type and density range established by the General Plan.

The current zoning is RMD (Residential, Medium Density), but this project includes a zone change to PD (Planned Development). The intent of the PD zones is to allow for flexibility of traditional zoning code standards in effort to achieve a high quality, livable project without compromising the functionality or safety of the development. The proposed PD zone would modify the development standards of the Zoning Code to be consistent with an existing PD zone immediately east of the project site (PD 36, *The Villas*). Once amended, the proposed project would comply with the City's PD zone requirements.

The project is subject to the City's Right-to-Farm Ordinance because its proximity to agricultural lands.

c) ***Would the project conflict with any applicable habitat or conservation plan?***

The San Joaquin Council of Governments established the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in 2000.[3] The purpose of the plan is to provide a strategy for balancing development while preventing premature development of agricultural lands and protecting endangered species in San Joaquin County. City of Lodi Municipal Code (Section 15.68 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees) was adopted in 2001, in order to implement the goals and objectives of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and to mitigate the cumulative impacts of new development on undeveloped lands within the city of Lodi and in San Joaquin County. The City has established a fee ordinance for purposes of collecting fees to finance the SJMSCP. Development of the project site is subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

Mitieation Measures

The proposed project would not result in any significant land use impacts; no mitigation measures are required.

II. POPULATION AND HOUSING

Summary of Population and Housing Impacts and Mitieation Measures

The City of Lodi's current population is 60,521. The City's General Plan (Section 2, Land Use Standards, page 2-2)[4] assumes 2.25 persons per household for medium density product development. Using this average household number, it is estimated that the proposed development would result in 146 residents. The City's Growth Management Ordinance anticipates growth at 2 percent of the population per year. Approval of Growth Management Allocations is required prior to issuance of building permits.

a) ***Would the proposal cumulatively exceed official regional or local population projections?***

[3] San Joaquin Council of Governments, 2000. *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.*

[4] Lodi, City of, 1991. General Plan. June.

The proposed project would result in the construction of 65 units. The estimated population that would be generated would be approximately 146 residents (65 units x 2.25 persons per unit). The General Plan assumes a density of 12 dwelling units per acre when establishing growth patterns for the medium density land use designation (Table ***A-3,*** page A-5).[5] This project is 8.2 dwelling units per acre and would not exceed population projections.

The project applicant has tiled for 65 medium density growth allocation units (this project would consist of single-family detached homes, but the units are referred to **as** medium density units because they fall into the medium density land **use** designation density of 7.1-20 dwelling units per gross acre). There are 45 medium density allocations available for 2005 and 298 medium density allocations available from previous years (the City has not grown at 2 percent per year, so there are allocations/units from previous year that have not been granted)! The applicant is requesting approval of the 45 units for 2005 and for 20 units from previous years.

b) ***Would the proposal induce substantial growth in area either directly for example, by proposing new homes or businesses) or indirectly for example, through extension of roads and other infastructure)?***

The proposed project would generate a population of approximately 146 residents by constructing ***65*** new single-family residential units in compliance with the City's General Plan land use designation. New roads and utilities would be added to service the units within the project. The project also includes dedication of 20 feet for widening of Harney Lane, as required by the City's Public Works Department. The project does not include extensions of major roads or infrastructure beyond what is anticipated in the General Plan.

c) ***Would the proposal displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?***

The project site is currently developed with two single-family homes, one of which is currently used **as** an office for the residential construction activities immediately east of the project site. The home that is utilized as a residence is occupied by the property owners, who have indicated that they intend to move to another home in the City of Lodi. The two existing units are not affordable because they are located on large parcels. The proposed project would remove the two existing homes and replace with 65 new housing units for a net increase of the 63 units.

Mitieation Measures

The proposed project would not result in any significant population and housing impacts; no mitigation measures are required.

III. GEOLOGY **AND** SOILS

Summary of Geologic Impacts and Mitieation Measures

The project site is located in the southern portion of the Sacramento Valley. Large coalescing alluvial fans have developed along each side of the valley. The larger and more gently sloping fans occur on the east side and consist of deposits derived from rock sources in the Sierra Nevada. The valley deposits are derived from the Coast Ranges to the west and the Sierra Nevada to the east. Basement rocks composed of meta-sediments,

[5] **Lodi, City of, 1991. General Plan. June.**

[6] **Lodi, City of, 1991 Municipal Code Chapter 15.38: Growth Management** Plan for **Residential Development**

volcanic, and granites underlie these deposits. The valley geomorphology includes dissected uplands, low alluvial plains and fans, river flood plains and channels, and overflow lands and lake bottoms.

The project site is relatively flat and ground water is located approximately SO feet below ground level. [7]

a) ***Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:***

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or ii) Strong seismic ground shaking?

Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the rupture, and local geologic conditions. Magnitude is a measure of the energy released by an earthquake; it is assessed by seismographs that measure the amplitude of seismic waves. No faults are known to cross the City; however, ground shaking may result from an earthquake outside the City and may cause damage to structures. The nearest seismic areas are the Midland Fault, approximately 20 miles west of the City. Based on the inactivity status of this fault, the project site is not identified as being in a special study zone, as would be defined by the Alquist-Priolo Act."The City requires that all new structures comply with California Building Code, Seismic Requirements. Because the project site is not located in a special study zone, the Building Code requirements would provide adequate provisions for development on the site.

iii) ***Seismic-related ground failure, including liquefaction?***

Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. In the process, the soil undergoes a temporary loss of strength, which commonly causes ground displacement or ground failure to occur. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is neat the surface have higher liquefaction potential than those in which the water table is located at greater depths. Based on the dense soils and that groundwater is at a depth of ***50*** feet, the risk of liquefaction is low?

iv) Landslides?

The site and immediately adjacent areas are relatively flat. The potential for landslides is considered very low on the site and vicinity and the risk of injury or death associated with land sliding is less than significant.

b) ***Result in substantial erosion or loss of lop soil?***

The proposed project will include grading and excavation to construct roadways and infrastructure; however, the site will remain relatively flat with little change to the existing topography. To mitigate possible erosion during construction, erosion control measures are included in Mitigation Measure **GEO-1.**

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[7] Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November

[8] Lodi, General Plan Final EIR, 1991. April.

[9] Sandelin, Wally, **2005.** City Engineer, City of Lodi. Personal communication with LSA Associates. November .

c) ***Would the project be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in or off site site landslide, lateral spreading, subsidence, liquefaction or collapse7***

Differential settlement or subsidence could occur if buildings or other improvements were built on low-strength foundation materials (including imported fill). Pilings are often used to anchor structures to firmer deposits below the surface in these situations. Although differential settlement generally occurs slowly enough that its effects are not dangerous to inhabitants, it can cause significant building damage over time. Areas of the project sites that contain loose or uncontrolled (non-engineered) fill may be susceptible to settlement. Although ground soils within the project area consist of strong, non-expansive soils, a Geotechnical Investigation will be conducted to provide grading and site preparations to prevent any such settlement of proposed buildings (see Mitigation Measure GEO-1).

d) ***Would the project be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial risk to life or property?***

Ground soils within the project area consist of Tokay fine sandy loam and Tokay fine sandy loam hardpan substratum. Both of these soil types have good bearing strength, are not expansive, and pose little constraint to development. [10]

e) ***Would the project have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water?***
The proposed project would be connected to Lodi's sanitary sewer system and would not entail the use of septic tanks or alternative water disposal systems.

Mitigation Measures

Mitigation Measure GEO-I: Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

IV. HYDROLOGY AND WATER QUALITY

Summary of Water Impacts and Mitieation Measures

Lodi and its surrounding areas are underlain by alluvial soils deposited by runoff from surrounding mountain ranges. The alluvium is underlain with sedimentary layers that contain a major aquifer system that extends throughout the Central Valley. The alluvium is saturated below a relatively shallow depth, making the sedimentary layers underneath the area part of the major aquifer system that extends throughout the Central Valley. The Mokelumne River flows along the northern boundary of the City of Lodi. The river serves to recharge groundwater aquifers, and further to the west, provides drinking water and irrigation water to agricultural lands and communities. City of Lodi obtains all of its fresh water supply from 24 existing water wells that pump groundwater from the Longer San Joaquin Valley Groundwater Basin."

[10] Lodi. General Plan Final EIR, 1991. April.

[11] Brown and Caldwell, 2001. Urban Water Management Plan, City of Lodi, June.

The City's General Plan EIR (Chapter 12, Hydrology and Water Quality, pages 12-3 and 12-4)[12] includes analysis and discussion of the City's water supply. In summary, the EIR found that the build out of the General Plan would have significant adverse impacts on water supply because the cumulative demand for water would increase by 67 percent. At the time the EIR was prepared, the City was already overdrafting from its main water source, ground water. The General Plan EIR includes mitigation measures to reduce impacts to water supply.

The project site is not located within a designated flood zone, nor are there any water bodies on the project site.

a) *Would the project violate any water standards or waste discharge requirements?*

The proposed project (65 units) would discharge into surface waters at a higher volume than the current uses on the site (two units). The project applicant will be required to prepare a Storm Water Prevention Plan (SWPP) will be prepared for review and approval by the Public Works Department, prior to the approval of grading permits for the proposed project (see mitigation measures below). The SWPP would be reviewed and approved by the City to ensure that water discharge requirements are met during construction and throughout the life of the project. The proposed project would not violate any water standards or waste discharge requirements.

b) *Substantially deplete ground water supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?*

The project site is currently developed, and includes buildings, pavement, gravel, and dirt surfaces. While there would be more impervious surfaces associated with the proposed project, landscaped areas would be incorporated into the proposed project to allow for groundwater recharge. Because landscape areas would be incorporated in the project, the project would not result in a substantial reduction in the amount of ground water; however, it will contribute to a cumulative loss of available water supply. The General Plan EIR determined that significant cumulative impacts would result from the build out of the General Plan. Because the proposed project would not independently have a significant affect on the available water supply, the water supply impacts are found to be less-than-significant. (see more detailed discussion under the utilities subsection on page 38) .

c) *Substantially alter the existing drainage pattern of the site or area. including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or of-site?*

The proposed project (65 units) would discharge into surface waters at a higher volume than the current uses on the site (two units). Run-off discharge is discussed below under *IV.e.* A Storm Water Prevention Plan (SWPP) will be required as detailed in mitigation measure HYD-4 below. The SWPP will provide mechanisms to reduce storm water run-off during construction and throughout the life of the project. The proposed project would not substantially alter the existing drainage pattern of the site or area.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?

[12] Lodi, General Plan Final EIR, 1991. April

See discussion *IV.c* above.

e) Would the project create or contribute to run-offwater which would exceed the capacity of existing or planned stormwater drainage systems or provide additional substantial additional sources ofpolluted run-off?

Construction will increase impervious surface, which will increase the volume of runoff water from the project site. The City of Lodi municipal storm drainage system consists of an integrated system of trunk lines, detention basins, and pump stations. Surface infrastructure such as gutters, alley, and storm ditches provide for collection of storm water into the system. The runoff (precipitation and irrigation) would discharge to the local storm drainage system. During periods of low runoff (not a major storm) the water will flow to a regional-serving pump station (Beckman Park). The water is directly pumped into the Woodbridge Irrigation District Canal adjacent to the park. During periods of intense rainfall, the runoff will spill into the detention basin located at Salas Park (on Stockton Street northwest of the project site) where it will be held until the storm passes. The Beckman Park pumps will then drain the basin.[13] The City will utilize the SWPPP to ensure that the project does not result in substantial additional sources of polluted runoff (see mitigation measure HYD-4).

Utility plans are reviewed as part of the Public Works Department's review process, to confirm the capacity of the existing drainage facilities around the project site are adequate to service the needs of the proposed project.

f) Would the project otherwise substantially degrade water quality?

See response above related to impacts to surface water quality. The project includes 65 new residential units, which will generate typical domestic water quality impacts to ground water. Domestic impacts related to ground water quality would include seepage of automotive emissions and leaked fluids and household and garden chemicals into the groundwater, which is about 50 feet below the surface. These impacts are typical ofresidential development and would not result in substantial impacts to water quality.

g) Would the project place housing within a 100-year flood hazard area as mapped on afederal Flood Hazards Boundary or Flood Insurance Rate Map or otherjlood hazard delineation map?

The project site is not located in a flood hazard zone. FEMA designates the project site as Flood Zone X (outside 100 year flood plane).

h) Would the project place housing within a 100-yearflood hazard area structures which would impede or redirect flood flows?

See discussion *IV.g* above.

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as o result of thefailure of a levee or a dam?

[13] Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal wrnrnunication with LSA Associates, Inc. November.

The proposed project consists of **65** residential units in a residential neighborhood. The project site is not located near a body of water, a levee or a dam. No such risks of loss, injury or death would result from this project.

f) Would the project expose people or structures to inundation by sieche, tsunami or mudflow?

The project site is not located near an ocean, lakefront or other large body of water; tsunamis or seiches are not probable.

Mitigation **Measures**

Mitigation Measure HYD-I: **As** a condition of approval of the final grading and drainage plans for the project, the Public Works department shall review the Master Utility Plan for the site for compliance with the City's storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for review and approval so that implementation of the proposed drainage plans will comply with the City's storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, as shown titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

Mitigation Measure HYD-4: **As** a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project, The SWPPP would act as the overall program document designed ***to*** provide measures to mitigate potential water quality impacts associated with the implementation and operation of the proposed project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period **of** the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the stormwater quality protection effort is the acknowledgement of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources

Control Board Resolution No. 2001-046,14 monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff."" RWQCB and/or City personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

The City Public Services Department shall review the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent stormwater treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.

V. AIR OUALITY

Summary of Air Quality Impacts and Mitieation Measures

The proposed project is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD). In accordance with the City's General Plan, the City coordinates development review with SJVAPCD standards in order to minimize impacts to air quality.

a) ***Would the project conflict with or obstruct implementation of the applicable air quality plan?***

The proposed project would construct 65 single-family units, as intended by the general plan, and is subject to SJVAPCD regulations. The project would not conflict or obstruct any air quality plans.

b) Would the ***project violate air quality standards or contribute substantially to an existing orprojected air quality violation to an existing or projected air quality violation?***

The proposed project would develop 65 single-family dwelling units in the Multiple-Family Residential land use designation. According to SJVAPCD, a single-family project with less than 152 units requires an air quality analysis at the "Small Project Analysis Level" (SPAL). SJVAPCD has pre-calculated the emissions of projects that qualify as SPAL and there is no possibility of exceeding air quality emission thresholds. However, SPAL does not eliminate other factors such as toxic air contaminants, hazardous materials, asbestos and odors resulting from project construction. The following discussion describes potential air

[4] State Water Resources Control Board. 2001. Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Elimination System (NPDES) General Permit for Storm Watcr Discharges Associated with Construction Activity

[5] Construction materials and compounds that arc not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

quality violations that could occur as a result of construction equipment exhaust emissions, fugitive dust, and long-term vehicular emissions.[16]

Project-related construction activities would include demolition, site preparation, earthmoving and general construction. Site preparation includes activities such as general land clearing. Earthmoving activities include cut and fill operations, trenching, soil compaction, and grading. General construction includes adding improvements such as roadways surfaces, structures, and facilities. The emissions generated from construction activities include dust, combustion emissions, and evaporative emissions from asphalt paving and architectural coating applications.

Construction activities would also result in emissions from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction would vary depending on the number and type of equipment, duration of use, operation schedules, and the number ofconstruction workers. Criteria pollutant emissions of ROG and NO_X from these emission sources would incrementally add to regional atmospheric loading of ozone precursors during project construction. SJVAPCD's *CEQA Guidelines* recognize that construction equipment emits ozone precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans.

Demolition may result in airborne entrainment of asbestos, a toxic air contaminant, particularly where structures built prior to 1980 are being demolished. Some structural components of the buildings to be demolished may contain hazardous materials such as asbestos used in insulation, fire retardants, or building materials, and lead-based paint. If asbestos were found to be present in building materials to be removed, demolition and disposal would be required to be conducted in accordance with procedures specified by SJVAPCD's regulations. Therefore, the required compliance with existing regulations would ensure that the potential for public health hazards associated with airborne asbestos fibers or lead dust would be at less-than-significant levels.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and as a result, local visibility and PM_{10} and $PM_{2.5}$ (particulate matter) concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM_{10}, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts. The SJVAPCD's recommends implementation of effective and comprehensive dust control measures rather than detailed quantification of emissions. The District considers any project's construction-related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. In the case of this project, residential land uses are located immediately adjacent to the boundaries of the project site. Therefore, without mitigation, the impact of fugitive dust emissions would be considered significant.

Consistent with Regulation VIII, Fugitive PM_{10} Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project. Regulation VIII is incorporated as Mitigation Measure AIR-2.

Implementation of Mitigation Measure AIR-I and AIR-2 would reduce construction-related air quality impacts to a less-than-significant level.

[16] **San Joaquin Valley Air Pollution Control District, 1998.** ***Guide for Assessing and Mitigating Air Quality Impacts.*** (Revised 2002).

c) Would the project result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

See discussion *IV.b* above.

d) Would the project expose sensitive receptors to substantial pollutant concentrations?

The proposed project would expose surrounding residential units to pollutants during construction. Mitigation Measures AIR-I and AIR-2 would reduce the construction related pollutants to a less-than-significant level.

Air quality impacts related to the proximity of agricultural land uses to the south, across Harney Lane, include fumes and odors from typical farming activities. The City's Right-to-Farm Ordinance requires that the new home buyers be notified of farming activities, including odors, upon purchasing the units.

e) Would the proposal create objectionable odors effecting a substantial number of people?

Some objectionable odors may be generated from the operation of diesel-powered construction equipment and/or asphalt paving during the project construction period. However, these odors would be short term in nature and would not result in permanent impacts to surrounding land uses, including sensitive receptors in the vicinity of the project site. The proposed project involves residential uses, and would not involve any component that would generate significant odors. Additionally, there are no potential odor sources within the vicinity of the project site. Therefore, no significant impacts related to objectionable odors would result from the proposed project.

Mitieation Measures

Mitigation Measure AIR-I: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.
3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM_{10} Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

VI. TRANSPORTATIONS/CIRCULATION

Summary of Transportation/Circulation Impacts and Mitieation Measures

The City reviews development projects for consistency with the General Plan Circulation Element[17] and the Lodi Bicycle Transportation Master Plan[18] Access to the project site is provided via Harney Lane and SR-99 is the nearest highway. The General Plan designates Harney Lane as a 4-lane divided arterial (General Plan, Figure 2-1, page 2-7). The Bicycle Master Plan shows a Class II bike path on Harney Lane. A Class II bike path is a striped bikeway within the paved area of a road (Bicycle Master Plan, Chapter IV, page 23).

a) Would the proposal cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity+ratio on roads, or congestion at intersections)?

According the General Plan EIR (page 9-9) the multi-family land use designation trip ratio is 6 trips per dwelling unit.[19] The proposed project would generate approximately 390 vehicle trips per day (65 units x 6 trips). The General Plan land use element assumed development of 12 units per acre for properties designated as MDR. At 12 units per acre, the General Plan assumed the subject site would be developed with 91 units. The proposed project is below the density anticipated by the General Plan. Additionally, the General Plan

[17] Lodi, General Plan, 1991.

[18] Brady and Associates, Inc., 1994. Lodi Bicycle Transportation Master Plan. November 16.

[19] Lodi, General Plan Final EIR, 1991. April.

designates Harney Lane as a four-lane divided arterial. The proposed project includes dedication of 20 feet on the north side of Harney Lane to accommodate the future right-of-way. The proposed project will not increase vehicle trips or traffic congestion beyond the level anticipated by the General Plan and the project will be subject to traffic impact fees, as required by the General Plan EIR (page 9-9).

b) Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads ar highways?

As stated above under *VI.a*, the proposed development is less dense than anticipated by the general plan and would only produce approximately 390 vehicle trips per day. The proposed project would not exceed service standards for Harney Lane or other adjacent roadways.

Additionally, Caltrans has reviewed the proposed project and determined that the project would not create a major impact on SR-99; however, it would contribute to impacts when combined with existing and proposed development in the City of Lodi. To mitigate its share of impacts on SR-99, the proposed project would be subject to fees on a "Fair Share" basis (see Mitigation Measure TRAF-2).

c) Would the project result in a change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed project is not in the vicinity of a flight path. No impacts to air traffic would occur as a result of the proposed project.

d) Would the project increase hazards due to a designfeature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

The main access to the project would be provided by one controlled intersection at Hamey Lane and Panzani Way. Additionally, the project can be accessed from Driftwood (existing street) and Ponta Rosa (street currently under construction). The project complies with City standards for street size and type and would reduce the number of driveways on Harney Lane. The project would slightly increase vehicular traffic (390 trips per day), but access to the site would not burden the traffic pattern for farm equipment associated with the agriculture uses to the south.

e) Would the proposal result in inadequate emergency access?

The project would be accessed by one controlled intersection on Harney Lane. Access to the individual units within the project site is provided by one east/west street, two culde-sac streets and several public lanes. The main east/west street right-of-way is 50 feet and parking is permitted on both sides of the street. The cul-de-sac street right of way is also 50 feet, parking is permitted on both sides of the street and the culde-sacs are approximately 180 feet long. The public lanes are 24 feet wide, parking is not permitted on either side and the public lanes are 90-120 feet long. The Fire Department has reviewed the proposed site plan and determined that the proposed circulation pattern complies with the City standards. Access to nearby uses would be provided by the east/west street that would connect Driftwood Drive (on the west) to Ponta Rossa Way (on the east).

f) Would the proposal result in inadequate parking capacity?

The Zoning Code requires two covered parking spaces per unit. The site plan (see Figure 3) indicates each unit would have a two-car garage. On-street parking (approximately 35 parking spaces) is also permitted

within the project site. Guest parking would be provided in individual driveways and within the approximately 35 on-street parking spaces.

g) Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g bus turnouts, bicycle racks)?

The proposed site plan includes extension of an existing pedestrian walkway within a landscape area along Harney Lane and sidewalks within the project site. The proposed project would also implement the City's Bicycle Transportation Master Plan[20] by dedicating additional right-of-way along Harney Lane to accommodate a Class II bicycle lane. The proposed project would eliminate driveways along Harney Lane and provide controlled access at intersections for a safer pedestrian/bike and car interactions. There are no bus routes that service Harney Lane between Ham Lane and Lower Sacramento Road.

Mitiestion Measures

Mitigation Measure **TRAF-I**: To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed **by** the City of Lodi.

Mitieation Measure TRAF-2: To mitigate its share of impacts on **SR-99,** the project applicant/developer shall be subject to fees on a "Fair Share" basis **as** stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

VII. BIOLOGICAL RESOURCES

Summary **of** Biological **Resource Impacts and Mitieation Measures**

The San Joaquin Council of Governments established the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in 2000.[21] The purpose of the plan is to provide a strategy for balancing development with protecting endangered species in San Joaquin County. City of Lodi Municipal Code (Section 15.68 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees) was adopted in 2001, in order to implement the goals and objectives of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and to mitigate the cumulative impacts of new development on undeveloped lands within the city of Lodi and in **San** Joaquin County. **The** City has established a fee ordinance for purposes of collecting fees to finance the SJMSCP. Development of the project site **is** subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

The project site is developed with two single-family homes, with ancillary storage buildings, and agricultural farm land (cherry tree orchard a commercial flower garden). During a recent site visit, there was no evidence of endangered species or natural habitat on-site.

a) Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies or regulations. or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

[20] **Brady and Associates, Inc., 1994. Lodi Bicycle** Transportation **Master Plan.** November 16.

[21] **San Joaquin Council of Governments, 2000.** *Son Joaquin County Multi-Species Habitot Conservation and Open Space Plan.*

No evidence of endangered, threatened or rare species or their habitats was found during a recent site visit. In compliance with the SJMSCP, a biological study will be prepared to determine if there are any species or habitats on-site. Participation in the SJMSCP satisfies the state and federal endangered species acts, and ensures that impacts are mitigated to a less-than-significant level.[22] The San Joaquin Council of Governments (SJCOG) has reviewed the proposed project and recommends Mitigation Measure BIO-1 listed below to ensure compliance with the SJMSCP.

b) Would the proposal have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site is developed with two single-family homes and agricultural uses on Harney Lane in the City of Lodi. No evidence of wetland habitat was found during a recent site visit. Mitigation Measure BIO-I requires that a biological survey be conducted in compliance with the SJMSCP. Should the survey find wetland habitat on-site, impacts fees would be assessed in accordance with the SJMSCP.

c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There are no federally protected wetlands on the project site.

d) Would the project interfere substantially with the movement of any native resident or migratoy fish of wildlife species or with established native resident or migratory wildlife corridors. or impede the use of native wildlife nursery sites?

The project site would not impact the movement of any native or wildlife species, nor would it impact a migration corridor because it is not located within a migration corridor. The site is developed with two single-family homes and an agricultural business. Furthermore, the site is surrounded by residences to the north, east and west. However, Mitigation Measure BIO-1 requires that a biological survey be conducted in compliance with the SJMSCP. Should the survey find evidence of wildlife migration patterns on-site, impacts fees would be assessed in accordance with the SJMSCP.

e) Would the project conflict with any local policies or ordinances protecting biological resources. such as a tree preservation policy or ordinance?

There are a few shrubs and several non-native trees on the subject site that were planted several years ago (excluding cherry and flower farming plants). The City does not a designate local species (e.g., heritage trees). The City relies on the SJMSCP for regulation and mitigation of biological impacts. As stated in VII.a, the project would be subject to fees in compliance with the SJMSCP.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?

The project site would comply with the provisions of the SJMSCP, which is the only applicable conservation plan.

[22] Ibid

Mitigation Measures

Mitigation Measure BIO-1: Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

VIII. ENERGY AND MINERAL RESOURCES

Summary of Energy and Mineral Resource Impacts and Mitieation Measures

The City implements the California State Building Codes related to energy efficient construction standards.

a) ***Would the proposal result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?***

Development of the site would not result in the loss of availability of any known mineral resource that would be of future value to the region and the residents of the State. There are no known mineral deposits within the area. The soil in the area is a sandy loam type. There is no indication that valuable minerals are located within the general area.

b) ***Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***

The general plan does not designate this project area as a locally-important mineral recovery site. As discussed under VIII.a, there are no known mineral deposits within the project area.

Mitieation Measures

The proposed project would not result in any significant energy and mineral resource impacts; no mitigation measures are required.

IX. HAZARDS

Summary of Hazard Related Impacts and Mitieation Measures

The proposed project involves the demolition, site grading, and other construction activities to develop ***65*** new single-family homes. The project would include short term hazard impacts related to demolition of existing structures and storage/use of typical construction materials of ***65*** single-family residential units. The project would not involve storage of any explosives or hazardous substances, beyond the typical domestic supplies of household chemicals or gardening supplies.

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project would construct 65 single-family homes in a residential neighborhood; however, there are agricultural uses south of the project site, across Harney Lane in San Joaquin County. Similar land patterns of agriculture next to single-family homes exist throughout the City. The City's "Right to Farm Ordinance" requires that disclaimers are provided to new home buyers regarding the adjacency of agricultural uses." The existing agricultural use would not present potential health hazards to people within proposed residential units.

b) Would the project create o significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The proposed project consists of 65 new single-family homes on property designated as Residential Medium Density in the City's General Plan. The proposed future development would not involve explosives or hazardous substances, with the exception of possible gardening pesticides, and household chemicals, which would not qualify as significant hazardous impact.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?

The project site is located within ¼ mile of Lois E. Borchardt Elementary School; however, as discussed above under *IX.b*, the project would not emit hazardous materials.

d) Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the environment?

The project site is not listed as a hazardous material site."

e) For a project located within an airport land use plan or where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately 5.6 miles southwest of the of the project site.

f) For a project located within the vicinity of a private airstip, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately 5.6 miles southwest of the of the project site.

g) Would the project impair or physically interfere with an adopted emergency response plan or emergency evacuation plan?

[23] Lodi, City of, 1991, op. cit.

[24] State of California Department of Toxic Substance Control, 2008. DTSC's Hazardous Waste and Substance Site List (Cortese List), Website: www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm?county=39

The proposed project would develop new residential units in an existing neighborhood. The Fire Department has reviewed the proposed project and determined that plans meet the City's standards for accessibility for emergency vehicles Additionally, building permits are subject to review and approval by the City's Fire Department.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildfires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?

The proposed project would construct 65 single-family homes in a residential neighborhood surrounded by existing urban development and an arterial road. No significant risk of wildfire would result from the proposed project.

Mitieation Measures

Mitigation Measure HAZ-1: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

X. NOISE

Summary of Noise Impacts and Mitieation Measures

The City evaluates noise impacts based on the General Plan Noise Element and Chapter 9.24 of the Municipal Code, Noise Regulation. The General Plan Noise Element (page 6-7) establishes the maximum outdoor noise level of 55-60db as acceptable for residential units. Chapter 9.24 of the Municipal Code states that noise, of a commercial or non-commercial nature, shall not exceed the ambient noise level by more the five decibels at a point measured at the property line of any residential property. The project would have short terms impacts related to typical construction noise.

a) Would the project expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The project would result in temporary noise impacts related to construction (truck traffic, demolition, etc.) The City prohibits construction between the hours of 7:00 a.m. to 10:00 p.m., seven days a week. The site is surrounded with homes and construction in the evening hours could result in a substantial impact. Mitigation Measure NOI-1 would limit construction hours to mitigate potential noise impacts to a level of less-than-significant.

Increased noise would also result from project related traffic; however, as discussed above under Traffic and Circulation, the project would result in only 390 vehicle trips per day, which would increase the noise level by less than 1 decibel (dB). The human ear can only detect increases in noise levels of 3.0 dB or greater in outdoor environments. Therefore, the increase of less than 1 db would not impose significant long term noise Impacts.

Additionally, the residents of the future development could be exposed to potential long-term noise generated by the vehicular traffic on Harney Lane. The City's General Plan identifies Harney Lane to have a noise level (Ldn) of 65-70db within 100 feet from the centerline of Hamey Lane. For residential projects, 65-70db is considered "Normally Unacceptable" without mitigation. Mitigation Measure NOI-2 would mitigate the noise level for future residents to a less-than-significant level.

b) Would the project expose persons to or generation of excessive ground bourne vibration or ground bourne noise levels?

The proposed project is entirely residential and no excessive ground bourne noise or vibration would result from the proposed project. See discussion above under *X a* for noise impacts related to vehicular traffic.

c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

The proposed project would construct new residential units in a residential neighborhood. The future residents would be subject to the City's noise ordinance and no substantial permanent increase would result.

d) Would the project result in substantial temporary or periodic increase in ambient noise levels in ;he project vicinity above levels existing without the project?

See discussion above under *X.a.*

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport, or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately 5.6 miles southwest of the of the project site.

Mitipation Measures

Mitigation Measure NOI-1 : To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

Mitigation Measure NOI-2: To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

XI. PUBLIC SERVICES

Summary of Public Service Impacts and Mitigation Measures

Police and fire services are provided by the City of Lodi and Lodi Unified School District provides school services. The addition of 65 homes to the City of Lodi will generate the need for expanded governmental services including schools, tire, and police services. Impacts to police, fire and school services would be mitigated through established capital impact fees.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:

*i) **Fire protection:*** The Lodi Fire Department provides fire protection services to the project site. Fire Station 3, at 2104 South Ham Lane, provides fire service to the project site. There are three personnel on duty at all times. The General Plan includes a policy to maintain a 3-minute travel time for fire emergency calls. The current response time is less than 3 minutes and impacts to response times are not anticipated as a result of the proposed project." The proposed project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including fire services.

*ii) **Police protection:*** The Lodi Police Department provides police protection for the project site. The project site is located within the Heritage District, Patrol Beat 4, which has a minimum of one officer on duty at all times.[26]

The General Plan includes a policy to maintain 1.3 police officers per 1,000 residents. The proposed project would increase the population by 146 residents for a total of 60,667 residents (60,521 current population + 146). With 60,667 residents, the City would need to have 78 police officers to maintain the policy of 1.3 officers per 1,000 residents (60.6x1.3=78). The City of Lodi's Police Department is budgeted for 78 police officers. The proposed project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including police services.

*iii) **Schools:*** The Lodi Unified School District (LUSD) provides school service to the project site. LUSD has 37 school sites and the project would be served by the following schools: Borchardt Elementary (grades K-6), Lodi Middle School (grades 7-8), and Tokay High School (grades 9-12). The 2005 enrollment figures for these schools are 331, 1167 and 2,870 respectively?'

According to the LUSD, single family development generates 0.31 Kdth grade students per unit, 0.08 7th-8th grade students per unit, and 0.15 9th-12th grade students per unit.[28] Using this student generation rate, the proposed project would generate twenty Kdth students, five 7-8th grade students and ten 9th-I 2th grade students. Borchardt Elementary and Lodi Middle School are currently under capacity and the potential addition of students from this project will not exceed school capacities. Tokay High School is currently over capacity by seventy students and the proposed project would potentially add ten high school students. The addition of ten additional students to a school that is already over capacity would not result in a significant impact on schools.[29] The development is subject to a mitigation fee of $3.79 per square foot for residential uses.

*iv) **Parks:*** There are no parks proposed as part of this project. The future residents will utilize existing parks, the closest of which is Samuel Salas Park, which is within 1,300 feet. The project would be subject to the Citywide Development Impact Mitigation **Fee** schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including park services.

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[25] **Hoover, Linda, 2005. Lodi Fire Department. Personal communication with LSA Associates, Inc. November.**

[26] **Versteeg, Eric, 2005. Lodi Police Department. Personal communication with LSA Associates, Inc. November.**

[27] **Lodi Unified School District, 2005. Lodi Unified School District Boundary Maps. Website: http://sites.lodiusd.net/schoolcity/ssb/content.cfm.**

[28] **Brum, Vickie, 2005. Lodi Unified School District. Personal communication with LSA Associates. November.**

[29] **Brum, Vickie, 2005. Lodi Unified School District. Personal communication with LSA Associates. November.**

v) Other public facilities: The Citywide Development Impact Mitigation Fee schedule was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including public facilities.

Mitigation Measures

Mitigation Measure PUB-1: The project applicant/developer shall be subject to development impact fees for tire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

XII. UTILITIES AND SERVICE SYSTEMS

Summary of Utilities and Service Impacts and Mitigation Measures

The project site is not currently connected to utilities. The City of Lodi provides water, wastewater and electrical service to the site; Central Valley Waste Services provides solid waste disposal. Water, wastewater and storm drain facilities are available in adjacent residential developments and may be extended to serve the project site.

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The proposed project, and the treatment of wastewater, would adhere to all applicable water quality regulations and not exceed wastewater treatment requirements of the Regional Water Quality Control Board. No major modifications or additions to local or regional water treatment or distribution facilities would be required as a result of this project.

b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction af which would cause significant environmental effects?

See discussion under *XII.a*

c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?

The runoff will discharge to the local storm drainage system. During periods of low runoff (not a major storm) the water will flow to a regional-serving pump station at Beckman Park. The water is directly pumped into the Woodbridge Irrigation District Canal adjacent to the park. During periods of intense rainfall, the runoff will spill into the detention basin located at Salas Park (on Stockton Street northwest of the project site) where it will be held until the storm passes. The Beckman Park pumps will then drain the basin.

The City is limited by agreement with Woodbridge Irrigation District on the rate of pumping into the WID canals. City currently operates pump stations at two locations that discharge into the WID canals. When the runoff from the storm event exceeds the allowed pumping rate, water backs up in the system and spills to a number of storm detention basins around town. Salas Park is one of those basins."

[30] Sandelin, Wally, **2005.** City Engineer. City of Lodi. Personal communication with **LSA** Associates, Inc. November.

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act); the NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. The program is administered by the California Regional Water Quality Control Boards. The project site would be under the jurisdiction of the CVRWQCS.

In addition, the proposed project would disturb more than one acre of land[31] during construction and would therefore be required to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project. Mitigation Measure HYD-4 requires an SWPP be prepared for this project.

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Groundwater from 26 wells is the primary source of water supply for the City of Lodi.[32] As discussed above in under *IV.i*, the project proposed project would not substantially reduce the amount of ground water otherwise available for public water supply; the proposed project would develop at a less intense rate than anticipated in the General Plan. However, the project would contribute to cumulative impacts on availability water supply. The General Plan EIR determined that there would not be adequate water supply to accommodate build out of the General Plan; the City is currently implementing measures to increase the supply (e.g., conservation methods, metering of all new units, and purchasing water rights to the Molkemune River) and has determined that they can adequately serve the proposed project?'

e) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The City of Lodi Public Works Department provides wastewater collection and treatment services to areas within the City of Lodi. The collection system includes separate domestic and industrial lines. Untreated sewage is piped to the City's treatment plant using both gravity flow and lifts stations.

As part of the development plan review process, the City of Lodi Public Works Department will review utility plans and the applicant will be subject to sewer connection fees at the time of development.

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[1] The State Water Resources Control Board, Watcr Quality Order 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES). Gcncral Pcrmit for Storm Watcr Discharges Associated with Construction Activity (General Pcrmit) states that: The regulations provide that discharges of stormwater to waters of the United States from construction projects that encompass five or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Pcrmit. Regulations (Phase II Rule) that became final on December 8, 1999 expand the existing NPDES program to address stormwater discharges from construction sites that dinurb land equal to or greater than 1 acre and less than 5 acres (small construction activity). The regulations require that small construction activity, other than those regulated under an individual or Regional Watcr Quality Control Board General Permit. must be permitted no later than March 10.2003.

[32] Brown and Caldwell. 2001 Urban Watcr Management Plan, City of Lodi, June

[33] Sandelin, Wall!. 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November.

f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Central Valley Waste Services, a subsidiary of Waste Management, Inc., provides solid waste collection services to the City of Lodi. Central Valley Waste collects solid waste from residential, commercial and industrial properties in the City of Lodi and transports the waste to a Transfer Station and Materials Recovery Facility (MRF). The waste is then transferred to large haul vehicles that transport the waste to the North County Landfill. The proposed 65 single-family units is less than what was anticipated for this property by the City's General Plan. No major modifications or additions solid waste disposal facilities would be required as a result of this project.

g) Would the project comply with federal, State and local statutes and regulations related to solid waste?

The proposed project would comply with all federal, State and local statues and regulations related to solid waste.

Mitieation Measures

The proposed project would not result in any significant utility and service system impacts; no mitigation measures are required.

XIII. AESTHETICS

Summary of Aesthetic Impacts and Mitieation Measures

The existing visual character of the project site includes a two single-family homes, two storage/workshop buildings, portable structures and outdoor storage materials used in connection with the agricultural business (green house structures once visible to Harney Lane were recently demolished). The proposed project is located on Harney Lane. Harney Lane is not designated as a scenic route and there are no scenic views of natural hillsides or vistas to or from the project site.

a) Would the project have a substantial effect on a scenic vista?

The proposed project would not effect a scenic vista or scenic highway because there are no known or recognized scenic views or highways in or immediately around the project area. The project area is surrounded by existing single-family residential subdivisions with Harney Lane to the south. Harney Lane is not designated as a scenic highway to street route.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings. and historic buildings within a State scenic highway?

The project site consists of two single-family homes and agricultural land uses. There are no such scenic resources on site and the project site is not visible from a scenic highway.

c) Would the project substantially degrade the existing visual character ar quality of the site and its surroundings?

The existing visual character of the project site includes two single-family homes and two workshop/storage buildings. Additionally, the agriculture business includes views of utility cabinets, a portable bathroom and outdoor storage of materials including several stacks of wood pallets. The single-family home at 349 Harney

Lane has been well maintained and is currently occupied. The single-family home at 415 Harney Lane has been subject to deferred maintenance and is currently used as a construction office for the residential project currently under construction to the east of the project site. Figure 2, shows photographs of the existing condition **of** the project site.

The proposed project would include the construction of ***65*** single-family homes. These units would include a level of detail similar to the existing single-family homes in the neighborhood immediately east of the project site. The side elevations of units **41-63** would be visible to Harney Lane. Though not specifically shown on the site plan (see Figure **3)** the project would include a masonry wall along Harney Lane. The height of the wall may be determined by a sound attenuation study, but never the less, the wall should include detailing or landscaping to break up the length and massing. By providing architectural interest to side elevations of lots 41-63, as well as all others within the project, and by providing specific details (such as cap stones and landscaping) to the wall along Harney Lane, the proposed subdivision would result in an improvement to the existing visual character of the site.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The existing conditions on the project site include exterior lighting. The new development would emit some light and glare during evening hours, as is typical in residential environments. The proposed project would include indoor lighting and outdoor lighting for safety purposes. Implementation of Mitigation Measure AES-3 would reduce potential impacts associated with light and glare to a less than significant level.

Mitigation Measures

Mitigation Measure AES-I : Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such **as** cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted on the wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

XIV. CULTURAL RESOURCES

Summary of Cultural Resource Impacts and Mitieation Measures

Based on the General Plan EIR (Chapter 11, Cultural Resources, pages 11-1 and 11-2)[34], there are no archaeological or cultural resources recorded within the City of Lodi. It is also noted that there are two cultural resources (Native American occupation/burial sites north of City near the Mokelumne River). The General Plan designates the project site for residential land uses. Should cultural resources be discovered during project grading/construction, a Mitigation Measure is incorporated to reduce potential impacts to a less-than-significant level.

a) Would the project create a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?

The project site is surrounded by residential development. The proposed residential subdivision would not affect unique ethnic cultural or historical values as there is no information that such values exist on-site. The project site does not contain a registered or listed historical landmark.[35]

b) Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Section 15064.5

Based on the General Plan EIR and a recent site visit, there is no evidence of archeological or paleontological resources on site. The proposed project would require site grading to accommodate roads and proper drainage, During the grading process, the developer shall cease operations and contact the proper authorities if anything of archeological or paleontological significance is found.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

See discussion under *XIV.b*

d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

No human remains are known to exist on the project site. The vicinity of the project site has a low potential for Native American sites. The project is proposed in a location that has been subject to previous ground disturbing activities related the construction of the existing homes and agricultural operations. If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her representative, the descendant shall inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

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[34] Lodi, General Plan Final EIR, 1991

[35] CERES: State Historical Landmarks for San Joaquin County, 2005. Website: www.ceres.ca.gov/geo_area/counties/San_Joaquin/landmarks.html.

Mitigation Measures

Mitigation Measure CULT-I: If deposits of prehistoric or historical archaeological materiais are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

XV. RECREATION

Summary of Recreation Impacts and Mitigation Measures

The proposed project would include the construction of **65** single-family homes, which would generate approximately 146 people. There are no public parks or tot lots proposed within the development; however all of the proposed residences would include private open space within rear yards. The City's General Plan includes a goal for **8** acres of parks per 1,000 residents and 3.9 acres of parks per 1,000 residents (excluding detention basins and school parks). [36]

a) Would the project increase the use of neighborhood or regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project does not contain any public recreation elements. Private open space would be provided within individual yards. There are three recreational facilities within a mile of the project site, including the Samuel D. Salas Park, Century Park and English Oaks Park." The closest park is Samuel Salas Park, which is approximately 1,300 feet (0.24 miles) from the project site.

The proposed project would include the construction of **65** single-family homes, which would generate approximately 146 people. The General Plan contains a policy requiring a parks-to-population ratio of 3.9-to-1,000 (excluding school parks and detention basins). The proposed project does not include public open space; park impact fees would be assessed upon issuance of building permits. The projected increase in population as a result of this project would not result in increase demand for parks and recreation services such that substantial deterioration of parks would occur or be accelerated.

b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project does not include the construction or require the expansion of recreational facilities.

[36] Lodi, City of, 1991, op. cit.

[37] Lodi, City of, 2005. Community Development, Mapguide. Website: http://mapguide.lodi.gov.

Mitieation Measures

The proposed project would not result in any significant recreation impacts; no mitigation measures are required.

XVI. AGRICULTURAL RESOURCES

Summary or Agricultural Resource Impacts and Mitieation Measures

This section is based on information from the California Resources Agency California Land Conservation Act (Williamson Act) Program and the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency. The most recent FMMP information available for San Joaquin County is from 2004.

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland af Statewide Importance {Farmland), as shown on the maps preparedpursuant to Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?

The Farmland Mapping and Monitoring Maps prepared by the Department of Conservation designate the subject site as urban built-up land, which is not a category of farmland importance.38 However, the project site consists of three parcels, one of which is dedicated to the agricultural uses of a cherry tree orchard and commercial flower garden. The General Plan designates the entire project site for residential land uses and development has occurred around the site, such that the project site has become an "in-fill" residential project. To mitigate the development of this agricultural site, the applicant is subject to mitigation fees established in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan. Mitigation Measure LU-1 requires compliance with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Though there is active agricultural land use on the project site, the site is currently zoned for development of medium density land uses. The property is not under Williamson Act contract. The proposed project includes a zone change from Medium Density to Planned Development. The project would be consistent with the proposed zoning designation.

c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses?

The proposed project is surrounded by residential development, with the exception of properties south of Harney Lane, which are agricultural lands located in the County. The proposed project would not change the environment such that the existing agricultural uses would be converted. The farming rights of the property owners to the south, across Harney Lane would be protected because the applicant is subject to compliance with the City's Right-to-Farm Ordinance."

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[39] **Lodi, City** of, 1991. **Municipal Code Chapter 8.18: Notification** of **Agricultural Operations Effecting** Other **Property.**

Mitieation Measures

The proposed project would not result in any significant agricultural impacts; no mitigation measures are required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

Summary of Mandatory Findings

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant ar animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The proposed project consists of the construction of 65 new residential units on the 7.92 acres in the southwest portion of the City of Lodi. The subject site is designated for residential development and is currently surrounded by residential land uses to the north, east and west. The project site is developed with two single-family homes and an agricultural use (cherry orchard and commercial flower garden) and there is no evidence of wildlife on-site. The project would not potentially degrade the quality of the environment or substantially reduce the habitat of fish or wildlife species. The proposed project would not eliminate important examples of major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

The construction of 65 new single-family homes and related infrastructure improvements will increase the residential population in the existing neighborhood, as anticipated by the City's General Plan. Cumulatively considerable impacts associated with increased traffic on Highway 99 and to the overall water supply would be mitigated to less-than-significant levels with the implementation of the mitigation measures provided above, in Sections IV and VI. The proposed project is located in a residential area and the inclusion of the mitigation measures mentioned above will reduce potentially significant impacts that would become cumulatively considerable when viewed in connection with the effects of past, current and reasonably foreseeable future projects.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The proposed project consists of construction of a new residential development and would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

F. SOURCES

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San Joaquin Council of Governments (SJCOG), 2001. San Joaquin County's Multi-Species Habitat Conservation and Open Space Plan.

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State of California Department of Toxic Substance Control, 2005. DTSC's Hazardous Waste and Substance Site List (Conese List). Website: www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm?county=39

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Hoover, Linda, 2005. City of Lodi Fire Department. Personal communication with LSA Associates, Inc. November.

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Sandelin, Wally, 2005. City Engineer, Lodi Public Works Department. Personal communication with LSA Associates, Inc. November.

Versteeg, Eric, 2005. City of Lodi Police Department. Personal communication with LSA Associates, Inc. November.

G. MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS AND PERMITTEES

The following mitigation measures are required to reduce potentially significant impacts of **the** proposed project to a "Less-Thawsignificant" or "No Impact" level. These mitigation measures shall be made conditions of approval for the project. For every mitigation measure, the Permittee will be responsible for implementation actions, schedule, funding and compliance with performance standards, unless otherwise stated in the measure.

Mitigation Measure GEO-I: Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

Mitigation Measure HYD-I : As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall verify that the Master Utility Plan for the site will comply with the City's storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City's storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, as shown titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

Mitigation Measure HYD-4: **As** a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the propose project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

Mitigation Measure AIR-I : The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals. to control exhaust emissions.

3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;

4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and

5 Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM_{10} Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizedsuppressant.

3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.

5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.

6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)

7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizedsuppressant.

8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

Mitigation Measure TRAF-I : To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.

Mitigation Measure TRAF-2: To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traftic impact fees established by the San Joaquin County Council of Governments.

Mitigation Measure BIO-1: Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

Mitigation Measure HAZ-1: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

Mitigation Measure NOI-1: To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

Mitigation Measure NOI-2: To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

Mitigation Measure PUB-1: The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

Mitigation Measure AES-1: Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

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H. AGREEMENT BY PROJECT SPONSOR

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval. Monitoring reports shall be provided to the Community Development Director and Director of Public Works at appropriate stages in the development process.

J. Jeffrey Kirst — 12/27/05

Project Sponsor's Signature — Date

J. Jeffrey Kirst Applicant

Project Sponsor's Printed Name and Title